

REMARKS

In the Office Action, the Examiner objected to the specification and claims. As to the specification the Examiner requested insertion of subheadings and applicants have amended the specification accordingly. As to the claims, the Examiner objected to claim 3 because of a typographical error and under 35 U.S.C. §112 for an omission amounting to a gap between the steps. Claim 3 had been amended to rectify these issues. The Examiner rejected claims 1 to 8 under 35 U.S.C. §103 as being unpatentable over MacCuish and Tachibana et al. The applicant respectfully traverses this rejection.

As the Examiner stated, while MacCuish discloses an electronic database search engine, MacCuish fails to teach the use of control means to select an arbitrary position on the display unit that upon selection displays or removes an icon related to a database element where its degree of dissimilarity to other icons corresponds with the distances between the icons. MacCuish also fails to teach the mutual positioning of icons on the display in concurrence with the dissimilarity of the elements from the database in order to optimize the usable display area on the display unit.

These differentiating features are neither taught nor suggested by Tachibana. Tachibana relates to a method that includes a step of drawing an icon indicating an object to be regarded; and a step of drawing icons having an *equivalent correlation* with an object to be regarded at an *equal distance* from the object to be regarded (see column 2, lines 7-12).

Essentially in Tachibana, the degree of dissimilarity between elements of a database does not play any role in the display of the corresponding icons. This is even more stressed in column 2, lines 45-52 of Tachibana, which refers to a computation unit for determining the drawing position of an icon indicating an object to be regarded and computing the positions of the icons indicating the objects having the closest correlations with the icons indicating the object whose drawing position is determined *at an equal distance* from the drawn icon.

Therefore, Tachibana does not teach displaying icons at distances in relation to each other that depend on their degree of dissimilarity. The combination of MacCuish with Tachibana et al. would therefore not result in the instant invention.

Moreover the applicant believes that it would not have been obvious for the person with ordinary skill in the art to combine MacCuish with Tachibana in view of the fact that Tachibana does not relate to an electronic database search engine and its method of operation. Tachibana is concerned with displaying the correlation between nodes in a hierarchical network that require monitoring. This has nothing to do with searching for elements in a database which elements do not share a hierarchical relation.

In view of the above remarks the independent claims 1 and 5 are deemed patentable, the claims dependent thereon are likewise patentable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: June 25, 2004

Respectfully submitted,

By Chanah Brenenson
Chanah Brenenson

Registration No.: 47,442
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant



Application No. (if known): 09/879,247

Attorney Docket No.: 07238/000J393-US0

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. [REDACTED] in an envelope addressed to:

AIR MAIL NO. in an envelope
EV 418268575-US

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

on June 25, 2004
Date

JUL 02 2004

Technology Center 2100

Signature

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Amendment in Response to Non-Final Office Action (9 pages)
Petition for Extension of Time (1 page)
Amendment Transmittal (1 page)
Transmittal (1 page)
Fee Transmittal (1 page)
Check No. 6347 for \$475